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Paper No. 11

JAMES G GATTO ESQ  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO  
11911 FREEDOM DRIVE, SUITE 400  
RESTON, VA 20190

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**JUN 03 2002**

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In re Application of :  
Peterson et al. :  
Application No. 09/708,713 : DECISION ACCORDING STATUS  
Filed: 9 November, 2000 : UNDER 37 CFR 1.47(b)  
Atty Dkt No. 47382.000111 :

This is in response to the renewed petition filed under 37 CFR 1.47(b) on 13 May, 2002.

The petition is GRANTED.

Petitioners have shown that the nonsigning inventors, Jay Peterson, David R. Nelson, Troy P. Bahan, George C. Polchin, and Michael D. Jack, have refused to join in the filing of the above-identified application, a continuation of reissue application No. 09/521,858, after having been sent a copy of the application papers on two separate occasions. None of the joint inventors have returned an executed declaration, however. In addition, petitioners have shown, via the assignment of the invention by the inventors to HE Holdings, Inc. DBA Hughes Electronics, which assigned its interest to Hughes Aircraft Company, which assigned its interest to Envirotech Systems Corp. that petitioner Envirotech Systems Corp. has a proprietary interest in the above-identified application. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63, 1.64, and 1.175, signed by registered patent attorney Christopher Cuneo on behalf of petitioner Envirotech Systems Corp. and has demonstrated that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

It is noted that while the cover letter transmitting the application papers to joint inventor Nelson on 3 November, 2000, lists an address consistent with the petition and declaration, the cover letter transmitting the application papers to joint inventor Nelson on 12 October, 2001, appears to incorrectly list the address for joint inventor Polchin. Based on the statement of registered patent attorney Christopher Cuneo in the present petition that the application papers for Application Nos. 09/521,858 and 09/708,713 are identical, the Office is construing the earlier mailing as constituting proper notice to joint inventor Nelson in accordance with 37 CFR 1.47(b). Petitioners **must** notify the Office if this is an incorrect interpretation.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses listed in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The correspondence address has been changed in accordance with the declaration filed on 13 November, 2001.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at 703.308.6918.



Douglas I. Wood  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



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Michael D. Jack  
75 Coromar Drive  
Goleta, CA 93117

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**OFFICE OF PETITIONS**

In re Application of  
Peterson et al.  
Application No. 09/708,713  
Filed: 9 November, 2000  
For: UNMANNED INTEGRATED OPTICAL REMOTE EMISSIONS SENSOR (RES) FOR MOTOR  
VEHICLES

Dear Mr. Jack:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918. Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
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George C. Polchin  
520 East Victoria Street  
Santa Barbara, CA 93111

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In re Application of  
Peterson et al.  
Application No. 09/708,713  
Filed: 9 November, 2000  
For: UNMANNED INTEGRATED OPTICAL REMOTE EMISSIONS SENSOR (RES) FOR MOTOR  
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Dear Mr. Polchin:

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David R. Nelson  
5350 East Camino Cielo  
Santa Barbara, CA 93015

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In re Application of  
Peterson et al.  
Application No. 09/708,713  
Filed: 9 November, 2000  
For: UNMANNED INTEGRATED OPTICAL REMOTE EMISSIONS SENSOR (RES) FOR MOTOR  
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Dear Mr. Nelson:

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Jay Peterson  
1204 Torro Canyon Road  
Montecito, CA 93108

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In re Application of  
Peterson et al.

Application No. 09/708,713

Filed: 9 November, 2000

For: UNMANNED INTEGRATED OPTICAL REMOTE EMISSIONS SENSOR (RES) FOR MOTOR  
VEHICLES

Dear Mr. Peterson:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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Troy P. Bahan  
442 Ribera Drive  
Santa Barbara, CA 93111

In re Application of  
Peterson et al.  
Application No. 09/708,713  
Filed: 9 November, 2000  
For: UNMANNED INTEGRATED OPTICAL REMOTE EMISSIONS SENSOR (RES) FOR MOTOR  
VEHICLES

Dear Mr. Bahan:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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